

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

**CRM-M No.42194 of 2018 (O&M)
Decided on: 30.04.2019**

Ajay Kumar Menon

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. Sangram S. Saron, Advocate
with Ms. Isha Goyal, Advocate
and Ms. Shubreet Kaur, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

Mr. Sonpreet S. Brar, Advocate
for the complainant.

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this petition is for grant of regular bail to the petitioner under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.') in FIR No.2 dated 09.06.2018, for offence punishable under Sections 66 of the Information Technology Act, 2000 and 406, 420, of the Indian Penal Code (in short 'IPC'), registered at Police Station Punjab State Cyber Crime Police, District S.A.S. Nagar, Mohali.

Counsel for the petitioner has submitted that as per the allegations in the FIR, registered on the complaint of Sumeet Sidhu, Director Sahib Tradeline Private Limited, the Apps Daily Solution Private Limited though its representatives approached the complainant for entering into business agreement to become National Distributor for sale of Insurance plan, extended warranty and damage protection for

mobile phones which could be purchased by way of online internet mobile application through Apps Daily Wallet recharge points. The complainant became distributor and invested Rs.3.25 crores for the purchase of wallet points but the accused company has cheated the complainant. Firstly, they failed to provide services as promised and secondly, the accused company has transferred only wallet points worth Rs.1.5 crore and withheld the balance amount of Rs.2.20 crore and in this way, it is alleged that there is a breach of terms and conditions of the agreement dated 20.09.2016.

Counsel for the petitioner has further submitted that the petitioner was arrested on 20.08.2018; the offences are triable by the Court of Magistrate; the investigation is complete and challan is presented on 18.10.2018 however, the trial Court has not framed the charges against the petitioner so far as the co-accused of the petitioner is yet to be arrested. It is further submitted that it will take long time in conclusion of the trial and the custodial interrogation of the petitioner is not required.

Counsel for the State, on instructions from SI Daljit Singh, has not disputed the factual position but opposed the prayer for bail on the ground that there are serious allegations against the petitioner.

Counsel for the complainant has also opposed the prayer for bail on the ground that the petitioner is involved in one more FIR of similar nature.

In reply counsel for the petitioner has submitted that an S.L.P. is pending before the Hon'ble Supreme Court with respect to the FIR pertaining to District Bathinda.

Without commenting anything on merits of the case, considering the fact that the petitioner is in long custody since 20.08.2018; challan stands presented on 18.10.2018; the offences are triable by the Court of Magistrate and also in view of the fact that the trial is moving at a very slow pace and thus, conclusion of the trial is likely to take some time, this petition is allowed and the petitioner is directed to be released on bail subject to his furnishing bail bonds and 02 sureties of heavy amount to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate.

However, it will be open for the prosecution to apply for cancellation of bail of the petitioner, in case he is found involved in any other case or misusing the concession of bail, in any manner.

(ARVIND SINGH SANGWAN)
JUDGE

30.04.2019
yakub

Whether speaking/reasoned	Yes/No
Whether reportable:	Yes/No